REMARKS

The Office Action mailed November 21, 2002, set a three-month shortened statutory period for response expiring February 21, 2003. In accordance with the Petition for Extension of Time submitted herewith, the period for response is extended two months to expire April 21, 2003. This amendment is therefore timely filed.

Claims 1, 3, 4, 8, 10, 11, 28-45, 54, and 55 are in the application. Claims 28-45 stand withdrawn from consideration as drawn to non-elected subject matter.

Claims 1, 10, 54, and 55 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the grounds that the term "halogen" in Claim 54 is directed to a hydrocarbyl substituted by halogen which fails to find basis in Claim 1, and that the term "hydrocarbyl (1-4C) substituted with ...alkoxy(1-4C)" in Claims 54 and 55 fails to find basis in Claim 1. Claims 3, 4, 8, and 11 are objected to as depending from rejected Claims 1 or 54.

The rejection is believed overcome by the instant amendment whereby Claim 1 is amended to bring the definition of X into correspondence with that of original claim 7 which was cancelled and replaced by Claim 54 in the Preliminary Amendment filed December 17, 2001. With the amendment of Claim 1, Claim 54 is made redundant and is therefore cancelled, and Claims 8 and 55 are amended to depend from Claim 1 rather than Claim 54. Claims 4 and 10 are cancelled and new Claim 56 is added to more particularly claim the compounds of Claim 55 in which Y^1 and Y^2 are both hydrogen.

Claims 28-45, which stand withdrawn from consideration, are cancelled without prejudice to the prosecution thereof in a continuing application.

As amended, the application contains Claims 1, 3, 8, 11, 55, and 56. All substituents recited in Claims 3, 8, 11, 55, and 56, which directly or ultimately depend from Claim 1, find antecedent basis in amended Claim 1 and, hence, fully meet the requirements of 35 U.S.C. § 112. Accordingly, the rejection of Claims 1 and 55 under 35 U.S.C. § 112 and the objection to Claims 3, 8, and 11 as depending from a rejected claim should be withdrawn and Claims 1, 3, 8, 11, 55, together with new Claim 56 allowed.

There being no remaining issues, this application is believed in condition for favorable reconsideration and early allowance and such actions are earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the instant amendment. The marked-up version is entitled "Version With Markings To Show Changes Made".

Respectfully submitted,

Dated: April 21, 2003

PAUL E. DUPONT
Registration No. 27,438

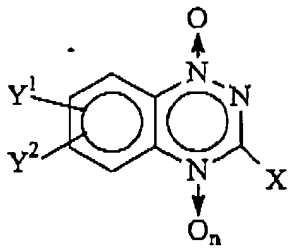
Sanofi-Synthelabo Inc.
9 Great Valley Parkway
Malvern, PA 19355
Tel.: (610) 889-6338
Fax: (610) 889-8799

Version With Markings to Show Changes Made

In the Claims:

Claims 1, 8, and 55 have been amended as follows:

1. (Twice amended) A method of selectively killing hypoxic tumor cells sensitive to the compounds of the formula in a host comprising administering to said host an effective amount of a pharmaceutical composition comprising a compound of the formula



wherein X is H; or hydrocarbyl (1-4C) substituted with OH, NH_2, ~~NHR or NRR;~~ halogen; ~~OH;~~ or C_1-C_4-alkoxy where each R is independently an alkyl of 1-4 carbon atoms or acyl of 1-4 carbon atoms, or wherein in the case of NRR the two R groups may be linked together to form a morpholino, pyrrolidino or piperidino ring, and wherein R may be further substituted with OH, NH_2, alkyl (1-4C) secondary amino, dialkyl (1-4C) tertiary amino, morpholino, pyrrolidino, piperidino, alkoxy (1-4C), or halogen substituents;

n is 1; and

Y^1 and Y^2 are independently either H; nitro; halogen; alkoxy (1-6C); hydrocarbyl (1-14C) including cyclic and unsaturated hydrocarbyl, optionally substituted with 1 or 2 substituents selected from the group consisting of halogen, hydroxy, epoxy, alkoxy (1-4C), alkylthio (1-4C), primary amino (NH_2), lower alkyl (1-4C) secondary amino, dialkyl (1-4C) tertiary amino, dialkyl (1-4C) tertiary amino where the two alkyls are linked together to produce a morpholino, pyrrolidino or piperidino, acyloxy (1-4C), acylamido (1-4C) and thio analogs thereof, acetylaminoalkyl (1-4C), carboxy, alkoxycabonyl (1-4C), carbamyl, alkylcarbamyl (1-4C), alkylsulfonyl (1-4C) or alkylphosphonyl (1-4C),

wherein the hydrocarbyl can optionally be interrupted by a single ether (-0-) linkage; or wherein Y^1 and Y^2 are independently either morpholino, pyrrolidino, piperidino, NH_2, NHR', NR'R' O(CO)R', NH(CO)R', O(SO)R', or O(POR')R' in which R' is a hydrocarbyl (1-4C) which may be substituted with OH, NH_2, alkyl-(1-4C) secondary amino, dialkyl (1-4C) tertiary amino, morpholino, pyrrolidino, piperidino, alkoxy (1-4C), or halogen substitutents, or a pharmacologically acceptable salt of said compound.

8. (Twice amended) The method of claim ~~54~~ 1 wherein X is H.

55. (Amended) A method according to Claim ~~54~~ 1 wherein X is hydrocarbyl (1-4C) substituted with an alkoxy(1-4C) group.

Claims 4, 10, 54, and 28-45 have been cancelled.

Claim 56 has been added.